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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR  | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|-----------------------|---------------------|------------------|
| 10/697,889      | 10/31/2003  | Manolito M. Catalasan | 1875.4360003        | 9019             |

26111 7590 06/26/2007  
STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.  
1100 NEW YORK AVENUE, N.W.  
WASHINGTON, DC 20005

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| EXAMINER |
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MENZ, DOUGLAS M

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| ART UNIT | PAPER NUMBER |
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2891

|           |               |
|-----------|---------------|
| MAIL DATE | DELIVERY MODE |
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06/26/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

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|------------------------------|-------------------------------|----------------------------------|--|
| <b>Office Action Summary</b> | Application No.<br>10/697,889 | Applicant(s)<br>CATALASAN ET AL. |  |
|                              | Examiner<br>Douglas M. Menz   | Art Unit<br>2891                 |  |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status.**

- 1) ☒ Responsive to communication(s) filed on 20 February 2007.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-28 is/are pending in the application.
- 4a) Of the above claim(s) 14-27 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-13 and 28 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 31 October 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date <u>See Continuation Sheet</u> . | 6) <input type="checkbox"/> Other: _____  |

Continuation of Attachment(s) 3). Information Disclosure Statement(s) (PTO/SB/08), Paper No(s)/Mail Date :9/8/06,10/24/05,1/10/05,12/29/04,4/20/04.

## **DETAILED ACTION**

### ***Election/Restrictions***

Applicant's election without traverse of Species I, claims 1-13, in the reply filed on 2/20/07 is acknowledged.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-13 and 28 are rejected under 35 U.S.C. 102(b) as being anticipated by Ray (US 5644144).

Regarding claims 1 and 28, Ray discloses in an integrated circuit chip including first and second supply potentials (Cl<sub>1</sub>, Cl<sub>1</sub> bar, Fig. 1), a method of making a programmable memory cell for storing a value (Figs. 1, 3A-C and Col. 5, line: 50 – Col. 7, line: 33), the method comprising:

forming a plurality of metal layers (16, 18) separated by a plurality of via layers (Fig. 3A);

forming a first metal interconnect structure that traverses the plurality of metal layers using a first plurality of vias (20) in the plurality of via layers (Fig. 3A);

forming a second metal interconnect structure that traverses the plurality of metal layers using a second plurality of vias (20) in the plurality of via layers (Fig. 3A);

coupling together said first and second metal interconnect structures at a top metal layer (jumper 24, Fig. 3A) prior to programming (Cols. 6-7);

coupling one of the first and second supply potentials to at least one of said first and second metal interconnect structures to form an output (Fig. 1); and

altering at least one of the plurality of metal layers to thereby program the output (Fig. 3B and Cols. 6-7).

Regarding claim 2, Ray further discloses forming multiples of the first and second metal interconnect structures and coupling together the first and second metal interconnect structures to form a plurality of programmable cycles for the memory cell, wherein each half cycle is programmable at least once (Fig 1 and .

Regarding claims 3-13, Ray further discloses that the conductive layers (12a – 12d, Fig. 1) are completely programmable i.e. parallel, perpendicular, inverse connection of input terminals, etc. (Cols. 5-7), therefore, Ray anticipates the configurations and programming functions of claims 3-13 accordingly.

**Conclusion**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Douglas M. Menz whose telephone number is 571-272-1877. The examiner can normally be reached on M-F 8-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bill Baumeister can be reached on 571-272-1722. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

DM

Handwritten signature of Douglas M. Menz and the date 6/23/07.

DOUGLAS M. MENZ  
PRIMARY PATENT EXAMINER